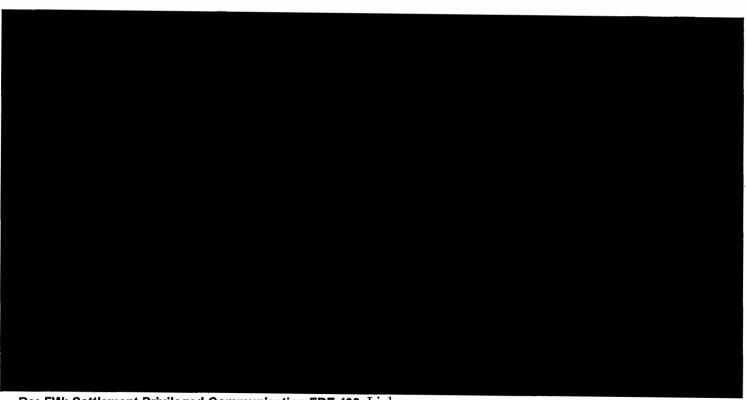
## EXHIBIT HHHH



Re: FW: Settlement Privileged Communication FRE 408 Link

Nicholas USA7375 Oliva

to: Jennifer USA0458 Fischman

12/29/2016 02:12 PM

Thanks. Isn't that asking for everything (and not settlement)?

Nicholas Oliva
General Counsel and Chief Compliance Officer
Mitsubishi Chemical Holdings America, Inc.
655 Third Avenue
New York, NY 10017
TEL: 212-672-9427 CELL: 646-856-2710
nicholas\_oliva@m-chem.com

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From: Jennifer USA0458 Fischman/USAP/USA
To: Nicholas USA7375 Oliva/USAP/USA

Date: 12/29/2016 02:09 PM

Subject: FW: Settlement Privileged Communication FRE 408

Nick,

I spoke to Josh briefly. I don't want to counter with anything less than \$2.5m payable up front and a royalty free license for the assigned patents which Utsonomiya seems to need for a deal he's working on.

Nothing needs to be decided this weekend. Let's discuss Tuesday when we are all back in the office. Happy New Year!

Regards, Jennifer

Jennifer Fischman Assistant General Counsel Mitsubishi Chemical Holdings America, Inc. 655 Third Avenue, 15th Floor New York, NY 10017 212.672.9409

----- Message from "Berman, Joshua A." <Joshua Berman@troutmansanders.com> on Wed, 28 Dec 2016 21:05:48 GMT -----

From:

"Berman, Joshua A." < Joshua.Berman@troutmansanders.com>

To: Jennifer\_Fischman@m-chem.com, Nicholas\_Oliva@m-chem.com

Subject: Fwd: Settlement Privileged Communication FRE 408

## Privileged

Shall we discuss? We might consider a counter like \$2.5, payable in two installments over 6 months or \$2 million payable immediately, with either option being available on a take-or-leave basis with no negotiation. They are scared. (The posturing about counterclaims makes all the more apparent.)

Speak whenever convenient for you.

JB

Sent from my iPhone

Begin forwarded message: